

1 Q Okay.

2 MR. KATZ: Neil, I would ask that those
3 tax returns be made available.

4 MR. HYMAN: You want 2007 and 2008?

5 MR. KATZ: Yes.

6 MR. HYMAN: Okay.

7 THE WITNESS: If I -- I'll try to find
8 them all.

9 MR. HYMAN: All right.

10 Q In regard to Argo Enterprise --

11 A No, that was Argo Management just
12 before, right?

13 Q Right. In regard to Argo Enterprise, in
14 2007 did it have over \$500,000 in gross receipts?

15 A For Enterprise?

16 Q Yes.

17 A No, in 2007 we were, we had zero
18 balance.

19 Q Okay. In 2008 did Argo Enterprise have
20 \$500,000 in gross receipts?

21 A No.

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1 MR. KATZ: Neil, I would ask that the
2 tax returns also for Argo Enterprise for those two
3 years be made available.

4 MR. HYMAN: We'll get them.

5 MR. KATZ: Okay. Thank you.

6 MR. HYMAN: I assume they exist. So
7 subject to their existence we'll produce them.

8 MR. KATZ: Thank you.

9 A I suppose they exist as well.

10 Q Do they exist?

11 A You see the originality of my companies,
12 that they are real and therefore they should exist,
13 I do pay taxes. If I pay taxes, therefore the
14 declaration should exist as well.

15 MR. HYMAN: We'll talk about it when
16 we're done.

17 BY MR. KATZ:

18 Q When you took -- strike that.

19 In December of 2007 when you say your
20 companies took over for the prior company, did you
21 receive any paperwork from Lunil regarding any of

1 MR. HYMAN: He will be able to answer it
2 or we'll tell you who will.

3 Q Now, Mr. Abgaryan, would Argo Management
4 or Argo Enterprise have some type of folder or file
5 that includes any documents, employment
6 application, tax forms, et~cetera that were filled
7 out by Mr. Norris?

8 A There should be.

9 Q Where are those kept?

10 A Third shelf from the bottom in the steel
11 case.

12 Q In your office?

13 A Naturally so.

14 Q And is that where you maintain personnel
15 files, personnel documents for other Argo
16 Management or Argo Enterprises employees?

17 A No, that's the archive.

18 Q Where is the archive?

19 A On the third floor of the steel case.

20 There are five of them all in a row. So the third
21 one is, the third section is the archives.

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1 Q Are you talking about a file cabinet?

2 A Yes, absolutely.

3 Q That's also in your office?

4 A Naturally.

5 MR. KATZ: Counsel, I'm going to ask you
6 to have your client look in his file cabinet or
7 cabinets or any other repository of documents for
8 the personnel file of any plaintiff and to produce
9 the file tomorrow morning.

10 MR. HYMAN: Do you understand?

11 THE WITNESS: Yes, okay.

12 MR. KATZ: Off the record.

13 (Discussion held off the record.)

14 BY MR. KATZ:

15 Q Mr. Abgaryan, in numbered paragraph
16 number 2 in Exhibit 11 there is a reference to --

17 MR. HYMAN: Paragraph 2.

18 A Oh, 2.

19 Q I'm going to read a sentence and ask you
20 what it means. It says number 2, personnel. Argo
21 Enterprises, Inc. shall cause the services to be

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1 A When was the time?

2 Q The lawsuit was filed I believe at the
3 end of January 2008.

4 A Not quite certain but most probably I
5 started doing it electronically at the beginning of
6 January 2008, hence before I was sued.

7 Q Okay. So that would have been within a
8 couple of weeks when you, after you started
9 supplying -- strike that. So that was essentially
10 a -- strike that again. So that was within a
11 couple of weeks of December 17th, 2007?

12 A Yeah, as soon as I figured it all out
13 and yes, it was probably at the very beginning of
14 January, yes.

15 Q So is it your testimony that you
16 received these time records from MHTS for at most a
17 couple of pay periods?

18 A I think, I think, yes.

19 Q Okay. And where are those documents?

20 A I don't know.

21 Q Did you keep them?

1 A I am not sure. I'll check.

2 Q Okay.

3 MR. KATZ: Can we add that to the list
4 of documents that the witness is going to look for
5 this evening?

6 A You already asked me for that document
7 so if I had it I most likely have provided it.

8 Q Do you think you threw the document
9 away?

10 A Not -- I might have tossed it even
11 purposefully as soon as I learned the electronics
12 scanned them into my computer. Probably. That's
13 not for sure.

14 Q You stated that you, since approximately
15 January of 2008, received the information regarding
16 how many hours each employee worked at MHTS
17 electronically.

18 A Yes.

19 Q In what form do you receive that
20 information?

21 A First name, last name, table number,

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1 table number, and then weekdays, Monday, Tuesday,
2 Wednesday, and the number of hours and then the
3 next week and then it will give me the total amount
4 of hours for the periods.

5 Q Do you receive that information for all
6 of the employees you have, you have one document or
7 are there separate documents for each employee to
8 pay on one document?

9 A For all employees.

10 Q In one document?

11 A Yes. But for each company individually.

12 Q What do you mean by that?

13 A Argo Enterprise and Management.

14 Q Okay. Do you maintain those documents
15 on your computer?

16 A Yes, of course.

17 Q Okay.

18 MR. KATZ: Counsel, can you please
19 produce all documents --

20 MR. HYMAN: I think we already have.

21 MR. KATZ: Wait. Please produce all

1 documents showing the hours worked at the MHTS
2 facility by employees of Argo Enterprise and Argo
3 Management Group that are maintained on the
4 witness' computer.

5 MR. HYMAN: Okay.

6 A I don't think that it pertains to this
7 particular case.

8 Q Okay. Your testimony was that people
9 who work at the Mayflower laundry punch in and out
10 on a time clock.

11 A What time clock are we talking about?

12 Q You referred to employees punching in
13 and out using their finger.

14 A Yes. Just the terminology.

15 Q Where is that time clock located?

16 THE INTERPRETER: By time clock you mean
17 the actual machine or sheets?

18 Q Okay. Just to clarify, I use the term
19 time clock to indicate some type of mechanism which
20 the employee has to touch to record his or her
21 time.

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1 them to locate that document.

2 Q Thank you.

3 MR. PELLETIER: Dan, which document are
4 we talking about?

5 MR. KATZ: The contract between Argo
6 Management Group and MHTS that preceded the Exhibit
7 Number 12, which is the contract dated January 2nd,
8 2008.

9 Q And again just reviewing what documents
10 you've produced this morning, is it correct that
11 you have produced invoices from Argo Management
12 Group to MHTS?

13 A Yes.

14 Q And the dates on these documents from
15 first glance appear to be from January 3rd, 2008 to
16 March 13th, 2009.

17 A The first glance, the second, the ninth,
18 the tenth, whichever ones.

19 Q These invoices that you produced this
20 morning, when were these printed?

21 A Last night.

1 Q Did you print them?

2 A No.

3 Q Who did?

4 A The printing machine.

5 Q Mr. Abgaryan, I'm going to ask you not
6 to -- strike that. I'm going to ask you to answer
7 my questions and I'm sure you are aware that when I
8 ask who printed them I'm asking about an
9 individual. I'm going to ask you to please answer
10 my questions.

11 Now, the question is who printed them?

12 A Who, me.

13 Q Thank you.

14 A You're welcome.

15 Q Prior to printing these invoices, did
16 you make any changes on the invoices from how this
17 data existed prior to last evening?

18 A No.

19 Q For the period of time represented by
20 these invoices from January 3rd, 2008 to March 13,
21 2009 are there any other invoices or billing

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1 records from either Argo Management Group or Argo
2 Enterprises to MHTS?

3 A No.

4 (Exhibit 20 marked.)

5 Q Would you please look at Exhibit Number
6 20?

7 (Pause for document review.)

8 Q Mr. Abgaryan, is it correct that the
9 documents in Exhibit Number 20 you produced this
10 morning?

11 THE INTERPRETER: Is it correct?

12 MR. KATZ: Yes.

13 A Yes.

14 Q Okay. When were these documents
15 printed?

16 A Last night.

17 Q Did you print them?

18 A Yes.

19 Q Can you tell me what these documents
20 are?

21 A Those are time sheets. They're excerpts

1 from time sheets.

2 Q What do you mean they're excerpts from
3 time sheets?

4 A Time sheet is a little bit longer so
5 it's -- those are for individuals that you, Mr.
6 Katz, were interested in.

7 Q In other words, these are not -- let me
8 strike this.

9 You said these are time sheets.
10 Where -- the information that is on these records,
11 where did you, how did you receive that
12 information?

13 A Well, that is based on the information,
14 the time sheets that as I explained it to you I
15 get, from yesterday, I explained to you I get from
16 MHTS and based on these time sheets I calculate the
17 compensation.

18 Q Okay. The time sheets that you receive
19 from MHTS, are they on your computer?

20 A Yes.

21 Q Okay.

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1 MR. KATZ: The instruction and the
2 requirement is that the information that is on Mr.
3 Abgaryan's computer that contains this time be
4 produced. The instruction, the document request
5 and what plaintiffs believed to be the agreement we
6 had yesterday is that that information would be
7 produced as it existed on Mr. Abgaryan's computer
8 and not that the information would be edited by the
9 witness prior to production.

10 A Nobody can instruct me what to do with
11 my papers. These are my documents and I will do as
12 I please.

13 MR. KATZ: Mr. Hyman, the information
14 that the witness identified existed on his computer
15 is information, specifically the hours worked by
16 individuals at the laundry transmitted by MHTS to
17 Argo which contains their names and the hours they
18 worked and each day they worked, that information
19 has to be produced as it is maintained on
20 defendant's computer in a manner in which defendant
21 receives that information. That information has

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1 Katz that after convening with my attorney I am in
2 agreement with you I will produce the time sheets.

3 Q Thank you. The third to last page of
4 Exhibit Number 20.

5 MR. HYMAN: This one, okay.

6 Q Which has, the top right-hand side it
7 says MHTS Argo 54. So that we're on the same page.

8 A Yes.

9 Q At the bottom left-hand corner of the
10 page it says prepared by Arvind Limachia.

11 A Yes.

12 Q Who is Arvind Limachia?

13 A He used to be an employee of MHTS and
14 I'm not quite sure what his position and
15 responsibilities were but if I'm not at all
16 mistaken, I think it was similar to Borman.
17 Maybe -- Anna, so it was simply to what she was
18 doing.

19 THE INTERPRETER: I think it's Borman.
20 I don't know.

21 Q This page at the bottom says prepared by

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1 MR. HYMAN: All right.

2 (Recess from 11:18 to 11:27 a.m.)

3 MR. HYMAN: I had my heart operated on
4 in January of this year.

5 MR. KATZ: Plaintiffs' request was that
6 the records that are going to be produced be
7 produced a half hour before the deposition so as
8 best as possible if those records can be in here by
9 9 so that we don't hold everyone up.

10 MR. HYMAN: Yeah, okay. For the record
11 in addition to the documents that we discussed, and
12 having been through Plaintiffs' 17, 18 and 19,
13 which are document requests to Argo Enterprises,
14 Argo Management Group, and Valentin Abgaryan, we
15 expect to be able to produce written job
16 descriptions, W-2s for the plaintiffs, and 1099s
17 for Mr. Carias, I don't know if that's Ms. or Mr.
18 Mendez, and Mirta Avalos, who have been identified
19 as contractors.

20 MR. KATZ: Thank you. Are there any
21 other responsive documents, any other documents

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1 Q Do you know who at MHTS I might ask to
2 produce those job descriptions?

3 A I have no idea.

4 Q Were you able to locate any W-2s or
5 1099s for the plaintiffs in this matter?

6 A I do have them, they were just not
7 accessible yesterday to me. I just need to have a
8 daily window to attend to those matters and get to
9 the office in the daytime.

10 Q Are those records available in your
11 office?

12 A Yes.

13 MR. KATZ: Counsel, I would ask that
14 they be produced as soon as possible.

15 MR. HYMAN: And they will be.

16 Q Another document that you have
17 identified that exists is a contract between Argo
18 Management Group and MHTS which precedes the
19 contract that is Plaintiffs' Exhibit Number 11.

20 (Document tendered.)

21 MR. HYMAN: No, it's actually Number 12.

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1 Q Thank you.

2 A You're welcome.

3 Q One question that came up on Monday was
4 I asked you if you had any information of any of
5 your employees, meaning employees of either Argo
6 Enterprise or Argo Management Group or your
7 employees, being transferred from the Baltimore
8 laundry to the Belcamp laundry or from the Belcamp
9 laundry to the Baltimore laundry.

10 A Yes.

11 Q If I recall correctly you said you were
12 going to speak to another one of your employees
13 about this matter. Have you been able to do so
14 and/or do you have any other additional response to
15 the question of transfer between the two laundries?

16 A Yes, I actually got in contact with my
17 manager and requested that he or she prepare the
18 list of people who were transferred back and forth
19 from one factory to the other and vice versa.

20 Q Do you have that list?

21 A Unfortunately yesterday my manager was

1 attending to the urgent repairs, two of our
2 machines broke down simultaneously so he was
3 attending to that, but I rest assure you you will
4 have the list, no problem.

5 Q Can you give me a date by when that list
6 will be made available?

7 A What is the date, 18th?

8 Q Today is March 18th.

9 A By Friday. This Friday, this upcoming.

10 Q Meaning March 20th?

11 A Yes. You have lots of Fridays, that
12 will be this Friday.

13 Q Thank you.

14 In regard to the transfers, how is a
15 decision made -- strike that.

16 If one of your employees is working at
17 the Belcamp facility, who notifies you that there
18 is a need for another employee at the Baltimore
19 laundry?

20 A I don't see the connection between
21 Belcamp and Baltimore. What is the contact point?

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1 Mr. Abgaryan has not kept it but Mr. Nichols and I
2 have a list. Subject to completing that list based
3 on what we've given in the last couple of days we
4 can give you the updated list in a few days.

5 MR. KATZ: Thank you.

6 Q You testified that the personnel
7 documents that you produced yesterday, the
8 originals of which were in front of you just a
9 couple of minutes ago and which your counsel is now
10 showing you, your testimony was that these
11 documents were in a different drawer in your office
12 than the other documents which you produced
13 earlier. I just want to make sure, is that what
14 you said?

15 A Maybe it got lost in translation because
16 I already declared that I have, I have an active
17 case with files and then I have those who are not
18 employed any more and there's no third one. If
19 you're talking about the current employees it's one
20 case, if we are talking about people who worked for
21 one day, one week, they're in the archives case.

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1 paid them the money, that's what they were most
2 interested in. I understand it's a violation and
3 my motivation was not to get them nervous, the
4 workers that is. That is it.

5 Q Now, if you can look back at Exhibit
6 Number 31. Is it correct that on Exhibit 31 does
7 not appear the names of numerous employees who
8 appear on the first payroll summary report which is
9 part of Exhibit 32?

10 A Naturally so.

11 Q And why is that?

12 A Because this is just, number 31 is just
13 Argo Enterprise and number 32 is combined for Argo
14 Enterprises and Argo Management Group. So hence in
15 this one you don't have Argo Management Group.

16 MR. KATZ: Neil, will you agree to
17 provide the plaintiffs the names and addresses for
18 all of the employees whose names appear on the
19 payroll summaries which comprise Exhibits Number 32
20 so they can be sent notices of this collective
21 action as they may be eligible to participate in

1 this litigation?

2 MR. HYMAN: It's not coming from me.

3 THE WITNESS: Even if you agree, I
4 disagree. Especially since I witnessed how easily
5 my documents that I produce in a confidential
6 manner vanish. I am not referring to Mr. Katz but
7 I really do not want some stranger digging into my
8 private papers.

9 MR. HYMAN: Let me say this: I will
10 discuss it with Mr. Abgaryan.

11 MR. KATZ: Thank you. I would
12 appreciate that.

13 Argo Management Group has been a
14 defendant if I recall since the filing of the
15 amended complaint, which I believe was filed in the
16 first part of December of 2008. Only after the
17 production of documents this morning has the
18 defendant indicated that there were a significant
19 number of employees who worked at the Mayflower
20 laundry who, according to defendant's documents, at
21 first glance, are potential members of the

1 question?

2 MR. KATZ: No, I'm still going.

3 MR. HYMAN: All right.

4 Q Exhibit 37 appears to have additional
5 information which does not appear on Exhibit 38; is
6 that accurate?

7 A I can tell you first and foremost it's
8 the document but the format is different. And 38
9 is a defective version of 37. I have no idea how
10 the defective made it over to you because it's
11 unfinished.

12 Q Okay. Is 37 essentially the finished
13 version of number 38?

14 A Absolutely correct.

15 Q And is it correct to say that both
16 documents indicate that Mirta Avalos has a rate,
17 regular hour rate of \$6.05 per hour?

18 A Yes.

19 (Exhibit 39 marked.)

20 Q Now, if you will look at document number
21 39, this document also involves plaintiff Avalos.

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1 The second to last column indicates a rate per hour
2 of \$9.50. Can you please explain this document?

3 A I can answer now?

4 Q Yes.

5 A I hardly believe I provided you with
6 this document, because I was concealing
7 deliberately from you the rates I was getting from
8 MHTS. This includes the amount that MHTS pays for
9 her to me. I didn't give you that document. It's
10 your culprit.

11 MR. KATZ: Can you mark that please?
12 This will be number 40.

13 (Exhibit 40 marked.)

14 (Discussion held off the record.)

15 BY MR. KATZ:

16 Q Reviewing document number 40, the second
17 to last column is rate per hour. It indicates for
18 Nuvia Gonzalez \$9.50 per hour, Henri Sosa \$10.50
19 per hour, and Miguel Mendoza \$10 an hour. Is it
20 accurate to say that those are the rates for each
21 of those individuals for which you were billing

1 MHTS?

2 A Yes. I have a spy infiltrated at
3 headquarters.

4 MR. KATZ: Let's take a short break.

5 (Recess from 3:22 to 3:30 p.m.)

6 (Exhibit 41 marked.)

7 BY MR. KATZ:

8 Q Mr. Abgaryan, you're now looking at
9 Exhibit Number 41, which is a document you produced
10 in discovery on March 16th, 2009. This appears to
11 be a W-4 with a date of -- the form is dated 2006,
12 apparently signed by plaintiff Wilfredo Numez And
13 is dated November 30th, 2007. Can you tell us how
14 this document came into your possession?

15 A I didn't get it from anywhere. I
16 created it at my office. Why I am so certain, you
17 see this is a little askew at the bottom line and
18 that's my printer's typical malfunction.

19 Q What line is your printer's malfunction?

20 A All the lines. All from here and here
21 move left.